

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2019 FEB 27 AM 9:32

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

CLERK  
SD. DIST. GA.

JOSE L. NIEVES, )  
Plaintiff, )  
v. ) CV 319-002  
WARDEN O'NEAL and )  
MS. MOODY, Correctional Officer, )  
Defendants. )

**O R D E R**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion and **DISMISSES** from this case Defendant O'Neal because Plaintiff fails to state a claim against him upon which relief can be granted. The case shall proceed against Defendant Moody based on Plaintiff's deliberate indifference allegations against her.

SO ORDERED this 26<sup>th</sup> day of February, 2019, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE